

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
ANDREW S. POULSHOCK, D.O. : **VIOLATIONS: 21 U.S.C. §§ 331(k),**
: **333(a)(1) (causing the misbranding of**
: **drugs- 1 count)**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At times material to this information:

DRUG SAMPLES

1. The term "drug sample" means a unit of a prescription drug which is not intended to be sold and is intended to promote the sale of the drug in accordance with 21 U.S.C. §353(c).
2. Under the Prescription Drug Marketing Act ("PDMA"), 21 U.S.C. §353, a manufacturer or distributor of a prescription drug may distribute prescription drug samples to a licensed practitioner, the pharmacy of a hospital or another health care entity at the request of a licensed practitioner. Prescription drug samples are not to be delivered to retail pharmacies for sale to consumers.
3. The PDMA was enacted for several reasons, one being that "[t]he existing system of providing drug samples to physicians through manufacturer's representatives has been abused for decades and has resulted in the sale to consumers of misbranded, expired, and adulterated pharmaceuticals." 21 U.S.C. §353 (note).

THE SCHEME

4. Defendant ANDREW S. POULSHOCK is a medical doctor licensed to practice medicine by the Commonwealth of Pennsylvania.

5. Defendant ANDREW S. POULSHOCK, as a practicing physician, received drug samples from various drug manufacturers on a regular basis.

6. Defendant ANDREW S. POULSHOCK delivered or caused to be delivered tens of thousands non-controlled prescription drug samples, including but not limited to diabetes medication, blood pressure medication and medication for depression, to a pharmacist known to the United States Attorney. The drug samples were then placed into the pharmacy's inventory by the pharmacist causing them to be misbranded, that is, the correct lot number and the expiration dates for the drugs did not appear on the label of the bottle from which the drugs were dispensed by the pharmacist.

7. From on or about March 1993 through February 2001, in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, defendant

ANDREW S. POULSHOCK

caused the repackaging of thousands of drug samples while such drugs were held for sale after shipment in interstate commerce, thereby resulting in the drugs being misbranded within the meaning of Title 21, United States Code, Section 352(a), in that the labeling was false and misleading because it contained an incorrect lot number and expiration date.

In violation of Title 21, United States Code, Sections 331(k) and 333(a)(1).

PATRICK L. MEEHAN
UNITED STATES ATTORNEY

NOTICE OF ADDITIONAL FACTORS

1. In committing the offense charged in Count One of this information, defendant ANDREW S. POULSHOCK:

a. Committed an offense in which the defendant abused a position of trust public and private trust, as described in U.S.S.G. §3B1.3.

b. Committed an offense in which the defendant used a special skill, in a manner that significantly facilitated the commission and concealment of the offense, as described in U.S.S.G. § 3B1.3.

c. Committed an offense in which the loss exceeded \$40,000, as described in U.S.S.G. § 2F1.1(b)(1).